

REMARKS

In the present Office Action, claims 1-28 were examined. Claims 1-28 are rejected. No claims are objected to or allowed.

By this Amendment, claims 1, 3, 6-9, 15, 17 and 20-23 have been amended and claims 2 and 16 have been canceled. No new claims have been added. Accordingly, claims 1, 3, 6-9, 15, 17 and 20-23 are presented for further examination. No new matter has been added. By this Amendment, claims 1, 3, 6-9, 15, 17 and 20-23 are believed to be in condition for allowance.

Applicant's invention as embodied in amended claim 1 is drawn to a traffic noise barrier wall. Two vertically mounted posts each include a post slot to receive a sheet of soundproofing material. Frequently, the soundproofing material is retrofit, for example, wooden or concrete soundproofing material may be replaced with significantly thinner acrylic sheet. To avoid a necessity of changing the vertically mounted posts with posts having a reduced slot width, applicants provide a frame fastened to at least some edges of the soundproofing material. This frame includes a base portion extending along a peripheral side of the soundproofing sheet and first and second flanges projecting outward from the base portion on opposite sides of the sheet. The combination of the sheet thickness and the area occupied by the projecting flanges defines a thickness that is greater than the thickness of the soundproofing sheet but less than the width of the slots of the vertically mounted posts. As the thickness of the combination of soundproofing material and outwardly projecting flanges is close to the width of the slots, the framed soundproofing material may be inserted into the slots and then retained in a substantially vertical position. There is nothing in the prior art of record in the present application to teach or suggest such a combination of a soundproofing sheet and peripheral frame. Applicant's claims should be allowed over the combination of cited references.

Applicant's claim 1 was rejected under 35 U.S.C. 102(b) as anticipated by *Donnelly* (U.S. Patent Publication No. US 2003/0019170 A1). Applicant's claim 2 was rejected under 35 U.S.C. 103(a) as unpatentable over *Donnelly* in view of *Schondelmayer* (U.S. Patent No. 6,314,687). Applicant's claim 1, as amended, incorporates the limitations of claim 2 into claim 1.

The *Donnelly* patent publication discloses a soundproofing barrier wall system having partition members that are supported by opposing slots in two vertically mounted posts. The slots and the partition member have thicknesses selected to enable the partition members to slide down within the slots and be supported in a substantially vertical position. However, there is nothing in *Donnelly, et al.* to teach or suggest a peripheral frame to enable sound partition members to be inserted into slots having widths other than those specifically sized for those partition members. The Examiner identifies a solid peripheral portion of the sound partition members, as illustrated in figure 12 of *Donnelly*, as being equivalent to a frame. However, the solid peripheral portion has the same thickness as the remainder of the sound partition material. There is nothing in *Donnelly* to teach or suggest a frame that is disposed on outside edges of the sheet having first and second outwardly projecting flanges such that the combined thickness of the partition sheet and the flanges is greater than the thickness of the sheet as claimed by the Applicants.

Schondelmayer, et al. disclose wall panels having a core portion and exterior fabric portions. A frame 298 is mounted to peripheral surfaces of the core to enable interlocking of adjacent wall panels and to provide a conduit for electrical and communication wires. As is visible in figures 19 and 43 of *Schondelmayer, et al.*, the frame does not extend around the edges of the wall partition and has a thickness less than the thickness of the wall partition. Accordingly, the combination of the wall partition and the frame does not have a thickness greater than the thickness of the wall partition as claimed by the Applicants.

There is nothing in the combination the *Donnelly* reference and the *Schondelmayer, et al.* reference to teach or suggest the combination of a soundproof sheet and peripheral frame where the peripheral frame includes outwardly projecting flanges such that the combination of the thickness of the soundproofing sheet and flanges is greater than the thickness of the soundproofing sheet. As disclosed in Applicants' specification at page 6, lines 4-14, Applicants' invention enables retrofitting of substantially thinner acrylic sheets into slots designed for previous generation wood or concrete soundproofing materials. Applicants' claim 1, as amended, should be allowed over the combination of references.

Claims 3-14 depend from and further limit and define claim 1. As claim 1 is now considered to be in condition for allowance, claims 3-14 should likewise be allowed.

Claim 15 was rejected under 35 U.S.C. 102(b) as unpatentable over *Donnelly*. Claim 16 was rejected under 35 U.S.C. 103(a) as unpatentable over the combination of *Donnelly* in view of *Schondelmayer, et al.* Applicant's claim 15 has been amended to incorporate the limitations of claim 16 and to more precisely recite that a sheet of soundproofing material has an exterior frame on at least some peripheral sides and that this frame includes outwardly projecting first and second flanges such that the thickness of the combination of soundproofing sheet and flanges is greater than the thickness of the soundproofing sheet. There is nothing in either *Donnelly* or *Schondelmayer, et al.*, either alone or in combination, to teach or suggest such a combination of soundproofing material and frame. Applicant's claim 15 should be allowed over the combination of references.

Claims 17-28 depend from and further limit and define claim 15. As claim 15 is now believed to be in condition for allowance, claims 17-28 should likewise be allowed.

Supplemental Information Disclosure Statement

A Supplemental Information Disclosure statement accompanies this amendment.

Petition for an Extension of Time

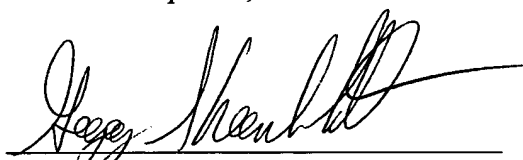
A petition for an extension of time under 37 C.F.R. 1.136(a) accompanies this amendment.

Accordingly, Applicants submit that none of the references, alone or in combination, anticipate or make obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicants respectfully request reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
Eric C. Humphries, et al.

A handwritten signature in black ink, appearing to read 'Gregory S. Rosenblatt', written over a horizontal line.

Gregory S. Rosenblatt
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Date: December 6, 2006

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